

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of)	
)	
Request for Review by Qwest Interprise)	CC Docket No. 02-6
America of Decision of the Universal Service)	
Administrator)	
)	
Federal-State Joint Board on)	
Universal Service)	

**REQUEST FOR REVIEW OF
QWEST INTERPRISE AMERICA INC.**

Pursuant to section 54.719 of the Federal Communications Commission's ("Commission") rules, 54 C.F.R. § 54.719, Qwest Interprise America Inc. ("Qwest") hereby requests review of the Universal Service Administrative Company's ("USAC" or "Administrator") rejection of Qwest's request for an extension of the deadline to submit a Form 474 Service Provider Invoice.

I. **BACKGROUND AND STATEMENT OF INTEREST**

On October 18, 2002, U S West Interprise (a predecessor of Qwest) submitted a service provider invoice ("October 18th Invoice") electronically to USAC, in advance of the October 31, 2002 deadline for Funding Year 2001 invoices.¹ The invoice sought reimbursement of \$16,047 for discounted services that Qwest provided to three schools in Idaho.² Qwest

¹ Declaration of Sandra L. Straub at 1 ("Straub Declaration") (Exhibit A and three attachments thereto). Qwest's service provider number is 143000132.

² Qwest provided discounted services to the following schools: Caldwell Alternative School (FRN 547153), Sacajawea Elementary School (FRN 547272), Van Buren Elementary School (FRN 547365).

received an auto reply e-mail from USAC, but it discarded that e-mail because it lacked any information to tie it back to a particular invoice.³

Several months later, in performing a routine review of the invoices submitted to USAC that were still outstanding, Qwest realized it had not received a response from USAC regarding the October 18th Invoice. Qwest promptly contacted USAC and learned that the Administrator had no record of the invoice. A USAC representative suggested that Qwest file a request for an invoice deadline extension with the Schools and Libraries Division, which Qwest did on July 7, 2003.⁴ On September 18, 2003, the Schools and Libraries Division denied Qwest's request for an extension, finding that it had no record of Qwest submitting the invoice.⁵ On November 14, 2003, Qwest submitted an appeal of the Division's denial,⁶ which was denied on July 27, 2004.⁷ Qwest provided the discounted services to the schools identified in the invoice sometime around October 2002.⁸

For Funding Year 2001, Qwest submitted approximately 70 invoices to USAC prior to the October 31, 2002 deadline. All but two of those invoices were processed and approved by USAC. One of those missing invoices is the subject of this appeal. The other invoice was

³ Straub Declaration at 2. Based on the instructions it had received from USAC, Qwest entered the words "Save in Your Environment" on the subject line of the e-mail it submitted to USAC with the invoice. As a result, the auto reply e-mail did not include any information (such as the invoice number) tying the auto reply to Qwest's submission. Subsequently, Qwest learned from a USAC representative that, if it includes the invoice number on the subject line of the e-mail accompanying the invoice, the auto reply will reflect that same invoice number, thereby providing verification that Qwest submitted the invoice on that date. However, to Qwest's knowledge, USAC's instructions at the time did not provide that direction. *Id.*

⁴ Straub Declaration at 3; Invoice Deadline Extension Request of the SLD (Exhibit B).

⁵ Administrator's Decision on Invoice Deadline Extension Request (Sept. 18, 2003) (Exhibit C).

⁶ Letter of Appeal (Nov. 14, 2003) (Exhibit D).

⁷ Administrator's Decision on Invoice Deadline Extension Appeal (July 27, 2004) (Exhibit E).

⁸ Straub Declaration at 4.

submitted on October 25, 2002. When Qwest investigated that invoice, it was told that USAC could not locate the invoice and that it should be resent. USAC suggested that it may not have received the invoice due to “some email problems” at USAC around the time Qwest submitted the invoice.⁹

II. QUESTION PRESENTED FOR REVIEW

The question presented for review is whether USAC should be required to accept Qwest’s invoice and reimburse Qwest for the discounts that it has already provided to the schools, given that Qwest submitted the invoice prior to the applicable deadline and was not responsible for the apparent loss of that invoice.

A. USAC’s Own Procedures Require It To Accept Qwest’s Invoice

Under its own procedures, USAC is required to accept and reimburse Qwest for the amount in the October 18th Invoice. USAC’s website states that the Schools and Libraries Division provides for the extension of invoice deadlines under certain conditions, which include “SLD errors . . . that ultimately result in a late invoice,” and “[c]ircumstances beyond the service provider’s control.”¹⁰ Each of those conditions is met here. Qwest submitted the invoice prior to the deadline established by USAC, in the same manner that it successfully submitted 70 other invoices to USAC for Funding Year 2001. Furthermore, Qwest received e-mail confirmation that the invoice had in fact been received. Qwest has no way of knowing what happened to the invoice. Based on the information provided by USAC, however, there is some likelihood that

⁹ *Id.* at 3. See E-mail from Chris Bianchino, USAC, to Sandra Straub (Apr. 1, 2003) (“Bianchino E-mail”) (Exhibit A, Attachment 3). At USAC’s suggestion, Qwest requested an invoice deadline extension for that invoice as well. The extension was denied, and USAC is currently considering Qwest’s appeal of the denial.

¹⁰ USAC Website, <http://www.sl.universalservice.org/reference/InvoicingDeadlines.asp> (accessed on September 24, 2004).

the invoice was lost due to e-mail problems at USAC.¹¹ Under such circumstances, USAC's established procedures require that the invoice deadline be extended and Qwest's invoice accepted, so that Qwest can be reimbursed for the discounts it has provided.

B. USAC Should Be Required To Accept and Process Qwest's Invoice,
Given that Qwest Has Provided the Discounts to the Schools

Consideration of the equities also supports acceptance of Qwest's invoice. More than two years ago, Qwest provided discounted services in good faith to the three schools with the expectation that it would recover the discounted amount from the Administrator. This fact further supports grant of this request for review.

III. STATEMENT OF RELIEF SOUGHT

Qwest requests that the Commission reverse USAC's July 27, 2004 denial of Qwest's request for an invoice deadline extension, and that the Commission direct USAC to accept Qwest's invoice and provide Qwest appropriate reimbursement in accordance with the information provided in the October 18th Invoice.

¹¹ See Bianchino E-mail.

IV. CONCLUSION

For the foregoing reasons, Qwest requests that the Commission grant the relief requested herein.

Respectfully submitted,

QWEST INTERPRISE AMERICA INC.

By: /s/ Craig J. Brown
Andrew D. Crain
Craig J. Brown
Suite 950
607 14th Street, N.W.
Washington, DC 20005
(303) 383-6649 (voice)
(303) 896-1107 (facsimile)
craig.brown@qwest.com

September 24, 2004

Its Attorneys

Exhibit A

DECLARATION OF SANDRA L. STRAUB

I, Sandra L. Straub, declare:

1. I am employed by Qwest Communications International Inc. (“Qwest”) as a Senior Process Analyst – Finance. In my current role, I serve as a liaison between the billing group and other organizations within Qwest. I also provide support to the internal organization that handles invoicing for the Schools and Libraries and Rural Health Care programs. This support includes training, documenting methods and procedures, and other functions. In 2002, it was also my job to submit invoices to the Schools and Libraries Division (“SLD”) of the Universal Service Administrative Company (“USAC”) and track the resulting payments and status reports for Funding Request Numbers (“FRN”).

2. On October 18, 2002, I submitted the following invoice file (“October 18th Invoice”) to USAC:

```
"SRH","Sandy Straub","erinv@qwest.com","2063468851",""  
"HDR","U S WEST Interprise","143000132","Sandy Straub","2063468851","","HQBSLD0132A746823 ","10182002"  
"DTL","234055","547272","MONTHLY","062002","","6000.00","5400.00"  
"DTL","233962","547153","MONTHLY","062002","","5967.74","5370.97"  
"DTL","234124","547365","MONTHLY","062002","","5862.92","5276.62"  
"TRL","16047.59","3"  
"SPT","1","3","16047.59"
```

(The file sent to USAC was in an encrypted format.) I generated this file using an internal Qwest system called Reliant, which is used to keep track of all E-rate discounts provided to our customers, house USAC-provided E-rate Funding Commitments, trigger E-rate (BEAR) checks to customers, and generate Invoices to USAC for E-rate discounts placed on schools and libraries’ bills. I have highlighted the date (“10182002”) in the second line of the header record (“HDR”), which is the date that I generated the file. The FRNs (547153, 547272, and 547365) and amount of the invoice (\$16047.59) are also

shown in the file. In addition to the invoice file, Reliant also created an invoice report, which is shown in Attachment 1 to this Declaration. That report also reflects that the invoice file was generated on October 18, 2002. After generating the invoice file and report, I attached the invoice file generated by Reliant to an e-mail and sent it to USAC. It was my practice always to submit the invoice file to USAC on the same day that I printed it from Reliant.

3. After I submitted the invoice to USAC, I received an Auto Reply Acknowledgement from USAC, but I did not keep a copy of it. When the process for submitting invoices was first set up, I was told by Bradley Scott from NECA to put "Save in Your Environment" on the e-mail subject line. It was my understanding that this phrase was some kind of reminder message to the USAC staff. I have attached the e-mail note that I received from Mr. Scott on this subject. *See* Attachment 2. The acknowledgement that I received from USAC did not include any invoice number that would connect it to the file, so I deleted it. Later, in a July 2003 meeting with USAC representatives, I learned that it is possible to receive an acknowledgement with an invoice number by placing that number on the subject line of the e-mail submitted with the invoice. That is the process that Qwest uses today. To my knowledge, this technique is not, and was not, reflected in USAC's instructions for the submission of invoices.

4. If USAC determines that an invoice submitted by a service provider is incorrect for some reason, it sends by e-mail to the service provider an Electronic Invoice Validation Error Report, which is generally referred to as an "EIN report." I did not receive an EIN report for the October 18th Invoice.

5. In June of 2003, I looked at our outstanding FRNs to see if they had been paid, been the subject of an EIN report, or were in review status. This is when I discovered we had not received an Invoice Status Report (“ISR Report”) or USAC Remittance Report for the October 18th Invoice. I immediately contacted one of the service delivery coordinators in Qwest’s E-rate group and confirmed that they also had not received any of these reports. Shortly thereafter, I e-mailed the Schools and Libraries mailbox, requesting them to send the ISR Reports or USAC Remittance Reports for the invoice HQBSLD0132A746823. The reply back asked me to contact their disbursement agent. I talked to Natasha Corlette at USAC and asked if she would investigate this invoice number and see why we never received an ISR and USAC Remittance Report. Initially, Ms. Corlette suggested that Qwest had already invoiced these services on a May 6, 2002 invoice (invoice number HQBSLD0132A711060) and that I had canceled those FRNs. After investigating, I found that not to be the case; the May 6th invoice was a different time period. After clearing this up, Ms. Corlette recommended that I file an Invoice Deadline Extension, which Qwest did on July 7, 2003.

6. My submission of the October 18th Invoice occurred at the end of the 2001 Funding Year. Prior to that invoice, I had sent 70 other invoices to USAC for that funding year. Each of those invoices was processed, and we received ISR and USAC Remittance Reports on them. However, there was one other invoice, besides the October 18th Invoice, that was somehow lost after I sent it. When I asked a USAC representative, Chris Bianchino, about that invoice, I was told to resend it because USAC was having some e-mail problems around the time I submitted the invoice on October 25, 2002. *See Attachment 3.*

7. The schools identified on the October 18th Invoice have received the discounted services from Qwest that are reflected on that invoice.

8. I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct. Executed as of the date shown below.

Dated: September 24, 2004

Sandra L. Straub
Sandra L. Straub

Exhibit A

Attachment 1

Reliant Invoicing - Funding Year: 2001 - 2002

[Main Menu](#) | [Return to Invoicing Menu Screen](#)

Universal Service Fund for Schools and Libraries

Invoice Reconciliation Summary Report

Report Date : Oct 18, 2002

This report provides a breakdown of amounts requested from the SLD during the month of October 2002. Its intention is to provide a means of comparing related U S WEST internal invoices (in the BART system) with those generated by the Reliant system.

Invoice File Generated : Oct 18, 2002

Invoice File Sent : Oct 18, 2002

Company : U S WEST Interprise SPIN: 143000132
 Invoice Number : HQBSLD0132A746823
 Total Invoiced : \$ 16047.59

Date	CRISC	CRISE	CRISW	IABS	BART	SOFI	INFRANET	Oracle	Qwest	Total
Jun 2002	0.00	0.00	0.00	0.00	0.00	0.00	0.00	16,047.59	0.00	16,047.59
Total Invoiced	0.00	0.00	0.00	0.00	0.00	0.00	0.00	16,047.59	0.00	16,047.59
Total Errors	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
View Errors	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Total Paid	0.00	0.00	0.00	0.00	0.00	0.00	0.00	16,047.59	0.00	16,047.59
Total (Less Errors Paid)	0.00	0.00	0.00	0.00	0.00	0.00	0.00	16,047.59	0.00	16,047.59

-- Press 'ALT-F-A' to save this reconciliation summary report to a disk file. --

-- Press 'CTRL-P' to print this reconciliation summary report . --

[Main Menu](#) | [Return to Invoicing Menu Screen](#)

Exhibit A

Attachment 2

USF Year 2 Invoice Email.txt

Subject: RE: Year 2 Invoice
Date: Mon, 21 May 2001 12:03:38 -0600
From: Bradley Scott <bscott@sl.universalservice.org>
Reply-To: "bscott@neca.org" <bscott@neca.org>
To: "'Sandra Straub'" <sstraub@uswest.com>

Sandy:

Send the three that erred last week to the normal address. Please start placing a reminder note in the subject of each submission that reads "Please Save In Your Environment". This seems to be the cause and the guys that process these now need to be reminded each time as the number of affected service providers has grown.

Bradley Scott
PIA/NCS Systems Consultant
bscott@sl.universalservice.org
720-840-6102

-----Original Message-----

From: Sandra Straub [SMTP:sstraub@uswest.com]
Sent: Monday, May 21, 2001 10:52 AM
To: Bradley@TheScotts.com
Subject: Year 2 Invoice

Bradley,
Here is our Year 2 file

Can I send you the three that errored out last week?

Please call or can we setup a time when I can call you?

Sandy Straub
206-346-8851
<< File: sstraub@uswest.com^143005231_03222001.txt >>

Exhibit A

Attachment 3

1

From: SLD Form [SLDFORM@neca.org]
Sent: Tuesday, April 01, 2003 11:12 AM
To: Natasha Corlette; sstraub@qwest.com
Subject: Re: Missing Reports

Sandy,

I cannot locate the original file you sent. Please resend the file. In the future if you have any questions regarding an electronic invoice, please send them to this address (sldform).

This invoice most likely failed which is why you did not receive either an ISR or remittance statement. You should have received an EIN file explaining the problem with the invoice, but we did have some email problems around the time you originally sent this.

Another note: For questions about remittance statements, you need to contact IBM at 888-641-8722

Thanks,

Chris Bianchino
Technical Systems Analyst - SLD

>>> Sandra Straub <sstraub@qwest.com> 03/31/03 04:37PM >>>

Natasha,

Going thru my data, I noticed I have not seen any USAC Remittance Reports or ISR Reports for invoice:

HQBSLD0132A750729

Originally this file was sent on 10/25/02 for \$83,229.02. I did not receive any reports and then on 12/6/02 I called the USAC Helpdesk and talked to Shawn. Shawn transferred me to the Technical Support Group and then Andrew had me resend the file on 12/6/02. I still haven't seen anything. Can you please check on this for me. Appreciate your help.

Sandy Straub
206-346-8851

Exhibit B

July 7, 2003

To: Invoice Deadline Extension Request of the SLD,

Qwest Communications would like to request an Invoice Extension. Listed below is a copy of the file that was sent on October 18, 2002.

SRH,"Sandy Straub","erinv@qwest.com","2063468851",""
HDR,"U S WEST Interprise","143000132","Sandy Straub","2063468851","","HQBSLD0132A746823","10182002"
DTL,"234055","547272","MONTHLY","062002","","6000.00","5400.00"
DTL,"233962","547153","MONTHLY","062002","","5967.74","5370.97"
DTL,"234124","547365","MONTHLY","062002","","5862.92","5276.62"
TRL,"16047.59","3"
SPT,"1","3","16047.59"

The 471 Application numbers and FRN's are:

School	471 Application	FRN's
Caldwell Alternative Center-ID	233962	547153
Sacajawea Elementary School -ID	234055	547272
Van Buren Elementary School -ID	234124	547365

The contract persons names are Sandy Straub on 206-346-8851, Email address is sstraub@qwest.com or Gary Kissell on 303-896-5929 and his Email address is gkissel@qwest.com.

The service provider name is U S West Interprise, our SPIN number is 143000132 and the total invoice was for \$16,047.59

The reason for the request is:

I originally sent this invoice on 10/18/02. I received the auto reply but never received any ISR or USAC Remittance Reports. I have also checked with another department and they had not received any reports.

I talked to Natasha Corlette from SLD and she said we originally invoiced these dollars on 5/6/02 invoice number HQBSLD0132A711060 and that I canceled these FRN's. After investigating, I found that these were bill dates of 5/7/02. Invoice HQBSLD0132A746823 are bill dates of 6/20/02. These were the same customer, same FRN's but different bill dates. She recommended that I file an invoice extension.

I will also attach the file to my Email note.

Thank you

Sandy Straub
Qwest Communications

Exhibit C



Universal Service Administrative Company
Schools & Libraries Division

Administrator's Decision on Invoice Deadline Extension Request

9/18/03

Sandy Straub
Qwest Interprise America Inc.
fka US West Interprise America
1600 7th Ave. Room 501
Seattle, WA 98191

Re:	SLD Invoice Number:	N/A	BEAR or SPI:	N/A
	SLD Line Number(s):	N/A	Invoice Date:	N/A
	Vendor Invoice Number:	N/A		
	471 Application Number:	234055		
	Funding Request Number(s):	547272		
	Your Correspondence Dated:	7/7/03		

After thorough review and investigation of all relevant facts, the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC) has made its decision in regard to your invoice deadline extension request for the invoice number indicated above. This letter explains the basis of SLD's decision. The date of this letter begins the 60 day time period for appealing this decision to the Federal Communications Commission (FCC). If your request included more than one invoice number, please note that for each invoice for which an invoice deadline extension request was submitted, a separate letter is being sent.

Invoice Number:	N/A	Line(s):	N/A
Decision on Request:			Denied

Program rules require that all payments be made by the end of the first calendar quarter following the end of the funding year. We have no record of you submitting the invoice referenced in your e-mail.

TO APPEAL A DECISION OF THE SCHOOLS AND LIBRARIES DIVISION:

If you wish to appeal a decision of the Schools and Libraries Division (SLD), your appeal must be **RECEIVED BY THE SLD WITHIN 60 DAYS OF THE ABOVE DATE ON THIS LETTER.** Failure to meet this requirement will result in automatic dismissal of your appeal.

In your letter of appeal:

1. Provide your contact information. Please list the name, address, telephone number, fax number, and e-mail address (if available) for the person who can most readily discuss this appeal.
2. Identify which SLD decision you are appealing. State outright that your letter is an "appeal." Identify which SLD Letter you are appealing, referring to the <<letter type>>; the relevant Funding Year; and the date of the letter. You must include the applicant name; your Entity Number; and the Application Number, if applicable.
3. Identify the particular Funding Request Number, whenever applicable, that is the subject of your appeal. If your application was wholly rejected on grounds related to the entire application (e.g., that you represent ineligible entities), you need not refer to any Funding Request Numbers in your letter of appeal.
4. Explain your appeal. When explaining your appeal, include the precise language or text from the SLD decision that is at the heart of your appeal. By pointing to the exact words that give rise to your appeal, the reviewer will be able to more readily understand and respond appropriately to your appeal. Please keep your letter to the point, and provide documentation to support your appeal. Be sure to keep copies of your correspondence and documentation.
5. Provide an authorized signature on your letter of appeal.

If you are submitting your appeal on paper to the SLD, please send it to: Letter of Appeal, Schools and Libraries Division, Box 125 – Correspondence Unit, 80 South Jefferson Road, Whippany, NJ 07981. Additional options for filing an appeal can be found in the "Appeals Procedure" posted in the Reference Area of the SLD web site or by calling the Client Service Bureau.

While we encourage you to resolve your appeal with the SLD first, you have the option of filing an appeal directly with the Federal Communications Commission (FCC). You should refer to CC Docket Nos. 96-45 and 97-21 on the first page of your appeal to the FCC. Your appeal must be **RECEIVED BY THE FCC WITHIN 60 DAYS OF THE ABOVE DATE ON THIS LETTER.** Failure to meet this requirement will result in automatic dismissal of your appeal. Further information and options for filing an appeal directly with the FCC can be found in the "Appeals Procedure" posted in the Reference Area of the SLD web site <www.sl.universalservice.org> or by calling the Client Service Bureau at 1-888-203-8100. We strongly recommend that you use the

electronic filing options because of continued substantial delays in mail delivery to the FCC. If you are submitting your appeal via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554.

Thank you for your continued support of and participation in the E-rate program.

Schools and Libraries Division
Universal Service Administrative Company

Cc: Jeff C. Hochstrasser, Sacajawea Elementary School



Universal Service Administrative Company
Schools & Libraries Division

Administrator's Decision on Invoice Deadline Extension Request

9/18/03

Sandy Straub
Qwest Interprise America Inc.
fka US West Interprise America
1600 7th Ave. Room 501
Seattle, WA 98191

Re: SLD Invoice Number: N/A BEAR or SPI: N/A
SLD Line Number(s): N/A Invoice Date: N/A
Vendor Invoice Number: N/A
471 Application Number: 234124
Funding Request Number(s): 547365
Your Correspondence Dated: 7/7/03

After thorough review and investigation of all relevant facts, the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC) has made its decision in regard to your invoice deadline extension request for the invoice number indicated above. This letter explains the basis of SLD's decision. The date of this letter begins the 60 day time period for appealing this decision to the Federal Communications Commission (FCC). If your request included more than one invoice number, please note that for each invoice for which an invoice deadline extension request was submitted, a separate letter is being sent.

Invoice Number: N/A Line(s): N/A
Decision on Request: Denied

Program rules require that all payments be made by the end of the first calendar quarter following the end of the funding year. We have no record of you submitting the invoice referenced in your e-mail.

TO APPEAL A DECISION OF THE SCHOOLS AND LIBRARIES DIVISION:

If you wish to appeal a decision of the Schools and Libraries Division (SLD), your appeal must be RECEIVED BY THE SLD WITHIN 60 DAYS OF THE ABOVE DATE ON

THIS LETTER. Failure to meet this requirement will result in automatic dismissal of your appeal.

In your letter of appeal:

1. Provide your contact information. Please list the name, address, telephone number, fax number, and e-mail address (if available) for the person who can most readily discuss this appeal.
2. Identify which SLD decision you are appealing. State outright that your letter is an "appeal." Identify which SLD Letter you are appealing, referring to the <<letter type>>; the relevant Funding Year; and the date of the letter. You must include the applicant name; your Entity Number; and the Application Number, if applicable.
3. Identify the particular Funding Request Number, whenever applicable, that is the subject of your appeal. If your application was wholly rejected on grounds related to the entire application (e.g., that you represent ineligible entities), you need not refer to any Funding Request Numbers in your letter of appeal.
4. Explain your appeal. When explaining your appeal, include the precise language or text from the SLD decision that is at the heart of your appeal. By pointing to the exact words that give rise to your appeal, the reviewer will be able to more readily understand and respond appropriately to your appeal. Please keep your letter to the point, and provide documentation to support your appeal. Be sure to keep copies of your correspondence and documentation.
5. Provide an authorized signature on your letter of appeal.

If you are submitting your appeal on paper to the SLD, please send it to: Letter of Appeal, Schools and Libraries Division, Box 125 – Correspondence Unit, 80 South Jefferson Road, Whippany, NJ 07981. Additional options for filing an appeal can be found in the "Appeals Procedure" posted in the Reference Area of the SLD web site or by calling the Client Service Bureau.

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submitting your appeal via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554.

Thank you for your continued support of and participation in the E-rate program.

Schools and Libraries Division
Universal Service Administrative Company

Cc: Jeff C. Hochstrasser, Van Buren Elementary School



Universal Service Administrative Company
Schools & Libraries Division

Administrator's Decision on Invoice Deadline Extension Request

9/18/03

Sandy Straub
Qwest Interprise America Inc.
fka US West Interprise America
1600 7th Ave. Room 501
Seattle, WA 98191

Re:	SLD Invoice Number:	N/A	BEAR or SPI:	N/A
	SLD Line Number(s):	N/A	Invoice Date:	N/A
	Vendor Invoice Number:	N/A		
	471 Application Number:	233962		
	Funding Request Number(s):	547153		
	Your Correspondence Dated:	7/7/03		

After thorough review and investigation of all relevant facts, the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC) has made its decision in regard to your invoice deadline extension request for the invoice number indicated above. This letter explains the basis of SLD's decision. The date of this letter begins the 60 day time period for appealing this decision to the Federal Communications Commission (FCC). If your request included more than one invoice number, please note that for each invoice for which an invoice deadline extension request was submitted, a separate letter is being sent.

Invoice Number:	N/A	Line(s):	N/A
Decision on Request:		Denied	

Program rules require that all payments be made by the end of the first calendar quarter following the end of the funding year. We have no record of you submitting the invoice referenced in your e-mail.

TO APPEAL A DECISION OF THE SCHOOLS AND LIBRARIES DIVISION:

If you wish to appeal a decision of the Schools and Libraries Division (SLD), your appeal must be **RECEIVED BY THE SLD WITHIN 60 DAYS OF THE ABOVE DATE ON THIS LETTER.** Failure to meet this requirement will result in automatic dismissal of your appeal.

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5. Provide an authorized signature on your letter of appeal.

If you are submitting your appeal on paper to the SLD, please send it to: Letter of Appeal, Schools and Libraries Division, Box 125 – Correspondence Unit, 80 South Jefferson Road, Whippany, NJ 07981. Additional options for filing an appeal can be found in the "Appeals Procedure" posted in the Reference Area of the SLD web site or by calling the Client Service Bureau.

While we encourage you to resolve your appeal with the SLD first, you have the option of filing an appeal directly with the Federal Communications Commission (FCC). You should refer to CC Docket Nos. 96-45 and 97-21 on the first page of your appeal to the FCC. Your appeal must be **RECEIVED BY THE FCC WITHIN 60 DAYS OF THE ABOVE DATE ON THIS LETTER.** Failure to meet this requirement will result in automatic dismissal of your appeal. Further information and options for filing an appeal directly with the FCC can be found in the "Appeals Procedure" posted in the Reference Area of the SLD web site <www.sl.universalservice.org or by

calling the Client Service Bureau at 1-888-203-8100. We strongly recommend that you use the electronic filing options because of continued substantial delays in mail delivery to the FCC. If you are submitting your appeal via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554.

Thank you for your continued support of and participation in the E-rate program.

Schools and Libraries Division
Universal Service Administrative Company

Cc: Jeff C. Hochstrasser, Caldwell Alternative Center

Exhibit D

Denver, CO.
November 14, 2003

Letter of Appeal
Schools and Library Division,
Box 125-Correspondence Unit
80 South Jefferson Road
Whippany, NJ 07981

Re: SPIN: 143000132
SLD Invoice Numbers: N/A
SLD Line Number(s): N/A
Vendor Invoice Number: N/A
Application Numbers: 234055, 234124 and 233962
Funding Request Numbers: 547272, 547365 and 547153
SLD Decision Letter 9/18/03

After reviewing the USAC Administrator's Decision on our Invoice Deadline Extension Request, this decision is respectfully appealed. The Vendor Invoice was originally transmitted electronically to USAC on 10/18/2002, in advance of the original invoicing deadline date of 10/31/2002 for Fund Year 2001 invoicing. An auto reply was returned on this invoice as normal. Qwest provided these schools and libraries discounts to customers in good faith fully expecting a reimbursement from USAC on the routine transactions like hundreds of invoices before this but the reimbursement was never received. Qwest does not believe that the rules anticipated denying the reimbursement to the service provider over a failure in file transmissions. In fact, Chapter 7 of USAC's Post-Commitment Events-Invoice Deadline Extension Requests indicates that an extension is generally granted "where there has been an error or delay on the part of SLD that prevented the invoice from being processed in a timely manner."

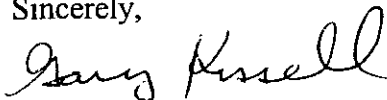
Qwest 's Invoice Deadline Extension Request of the SLD (Exhibit 1) includes a copy of the original invoice (HQBSLD0132A746823) that was electronically sent to USAC. In fact, the header of this invoice is the Qwest system generated original invoice date of October 18, 2002, or "10182002." After the Invoice Status Report and the Invoice Remittance Statement had not been received on this invoice, Sandy Straub, Qwest's invoicing representative, communicated this to USAC's Natasha Corlette on May 6, 2003. After this discussion, Natasha suggested that a service provider "Invoice Deadline Extension" should be filed with SLD for this invoice and Qwest complied on July 7, 2003.

Qwest had a similar issue with another invoice in the month of October 2002 and USAC's representative Chris Bianchino indicated that USAC was experiencing email problems at this time (**Exhibit 2-top portion**). This is indicative of system problems that must have prevented the proper entry of this invoice into USAC's processing.

Qwest as a matter of policy unfortunately did not retain the auto replies for the invoices sent to USAC.

As one of the major participants in the program, Qwest is appealing to USAC to pay this invoice. Please reimburse Qwest on the basis that the file was initially transmitted to USAC on 10/18/2002 before the final invoice date of 10/31/2002 for Fund Year 2001. Customers have received the discounts that were included in the invoice and the only recourse is to collect from USAC or seek reimbursement from our school customers for these funds.

Sincerely,



Gary Kissell
Manager

cc: Michael Kraft, Cynthia Schultz
Attachment 1: USAC Administrator's Decision on Invoice Deadline Extension Request
Exhibit 1: Sandy Straub email Appeal of July 7, 2003 and Invoice Transmitted
10/18/2002
Exhibit 2: Email correspondence with SLD

Contacts:
Sandy Straub
120 Lenora St.—11th Floor
Seattle, WA 98121
Phone 206-346-8851

Gary Kissell
1801 California St. – Room 1240
Denver, CO 80202
Phone 303-896-6791

July 7, 2003

To: Invoice Deadline Extension Request of the SLD,

Qwest Communications would like to request an Invoice Extension. Listed below is a copy of the file that was sent on October 18, 2002.

SRH,"Sandy Straub","erinv@qwest.com","2063468851",""
 HDR,"U S WEST Interprise","143000132","Sandy Straub","2063468851","","HQBSLD0132A746823","10182002"
 DTL,"234055","547272","MONTHLY","062002","","6000.00","5400.00"
 DTL,"233962","547153","MONTHLY","062002","","5967.74","5370.97"
 DTL,"234124","547365","MONTHLY","062002","","5862.92","5276.62"
 TRL,"16047.59","3"
 SPT,"1","3","16047.59"

The 471 Application numbers and FRN's are:

School	471 Application	FRN's
Caldwell Alternative Center-ID	233962	547153
Sacajawea Elementary School -ID	234055	547272
Van Buren Elementary School -ID	234124	547365

The contract persons names are Sandy Straub on 206-346-8851, Email address is sstraub@qwest.com or Gary Kissell on 303-896-5929 and his Email address is gkissel@qwest.com.

The service provider name is U S West Interprise, our SPIN number is 143000132 and the total invoice was for \$16,047.59

The reason for the request is:

I originally sent this invoice on 10/18/02. I received the auto reply but never received any ISR or USAC Remittance Reports. I have also checked with another department and they had not received any reports.

I talked to Natasha Corlette from SLD and she said we originally invoiced these dollars on 5/6/02 invoice number HQBSLD0132A711060 and that I canceled these FRN's. After investigating, I found that these were bill dates of 5/7/02. Invoice HQBSLD0132A746823 are bill dates of 6/20/02. These were the same customer, same FRN's but different bill dates. She recommended that I file an invoice extension.

I will also attach the file to my Email note.

Thank you

Sandy Straub
 Qwest Communications

Subject: Re: Missing Reports

Date: Tue, 01 Apr 2003 13:11:46 -0500

From: "SLD Form" <SLDFORM@neca.org>

To: "Natasha Corlette" <NCORLET@neca.org>, <sstraub@qwest.com>

Sandy,

I cannot locate the original file you sent. Please resend the file. In the future if you have any questions regarding an electronic invoice, please send them to this address (sldform).

This invoice most likely failed which is why you did not receive either an ISR or remittance statement. You should have received an EIN file explaining the problem with the invoice, but we did have some email problems around the time you originally sent this.

Another note: For questions about remittance statements, you need to contact IBM at 888-641-8722

Thanks,

Chris Bianchino

Technical Systems Analyst - SLD

>>> Sandra Straub <sstraub@qwest.com> 03/31/03 04:37PM >>>
Natasha,

Going thru my data, I noticed I have not seen any USAC Remittance Reports or ISR Reports for invoice:

HQBSLD0132A750729

Originally this file was sent on 10/25/02 for \$83,229.02. I did not receive any reports and then on 12/6/02 I called the USAC Helpdesk and talked to Shawn. Shawn transferred me to the Technical Support Group and then Andrew had me resend the file on 12/6/02. I still haven't seen anything. Can you please check on this for me. Appreciate your help.

Sandy Straub
206-346-8851

Exhibit E



Universal Service Administrative Company
Schools & Libraries Division

Administrator's Decision on Invoice Deadline Extension Appeal

July 27, 2004

Gary Kissell
Qwest Interprise America
1801 California St., Room 1240
Denver, CO 80202

Re: Your appeal of the denial of your deadline extension request

471 Application Number: 234055
Funding Request Number(s) 547272
Correspondence Dated: November 14, 2003

After thorough review and investigation of all relevant facts, the Schools and Libraries Division (SLD) of the Universal Service Administrative Company has made its decision in regard to your appeal.

Funding Request Number(s): 547272
Decision on Appeal: **Denied in full**
Explanation:

Administrative procedures related to the payment of support for discounted services establish deadlines for service providers to file invoices with the Administrator. The timely receipt and payment of invoices is extremely important to the administration of the program in accordance with the Commission's rules.

The administrator provides an extension of the deadline under certain conditions. Those conditions are documented in the Reference area on the SLD website. (See Invoicing Deadlines and Extension Requests for more information.) Your initial request did not provide information that satisfied those conditions.

Your appeal has not brought forth clear information establishing that those conditions were met but not considered. Therefore, your appeal is denied.

If you believe there is a basis for further examination of your application, you may file an appeal with the FCC. You should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. Your appeal must be received or postmarked within 60 days of the

above date on this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. If you are submitting your appeal via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554. Further information and options for filing an appeal directly with the FCC can be found in the "Appeals Procedure" posted in the Reference Area of the SLD web site or by contacting the Client Service Bureau. We strongly recommend that you use the electronic filing options.

Schools and Libraries Division
Universal Service Administrative Company

cc: Jeff C. Hochstrasser, Sacajawea Elementary School



Universal Service Administrative Company
Schools & Libraries Division

Administrator's Decision on Invoice Deadline Extension Appeal

July 27, 2004

Gary Kissell
Qwest Interprise America
1801 California St., Room 1240
Denver, CO 80202

Re: Your appeal of the denial of your deadline extension request

471 Application Number: 233962
Funding Request Number(s) 547153
Correspondence Dated: November 14, 2003

After thorough review and investigation of all relevant facts, the Schools and Libraries Division (SLD) of the Universal Service Administrative Company has made its decision in regard to your appeal.

Funding Request Number(s): 547153
Decision on Appeal: **Denied in full**
Explanation:

Administrative procedures related to the payment of support for discounted services establish deadlines for service providers to file invoices with the Administrator. The timely receipt and payment of invoices is extremely important to the administration of the program in accordance with the Commission's rules.

The administrator provides an extension of the deadline under certain conditions. Those conditions are documented in the Reference area on the SLD website. (See Invoicing Deadlines and Extension Requests for more information.) Your initial request did not provide information that satisfied those conditions.

Your appeal has not brought forth clear information establishing that those conditions were met but not considered. Therefore, your appeal is denied.

If you believe there is a basis for further examination of your application, you may file an appeal with the FCC. You should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. Your appeal must be received or postmarked within 60 days of the

above date on this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. If you are submitting your appeal via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554. Further information and options for filing an appeal directly with the FCC can be found in the "Appeals Procedure" posted in the Reference Area of the SLD web site or by contacting the Client Service Bureau. We strongly recommend that you use the electronic filing options.

Schools and Libraries Division
Universal Service Administrative Company

cc: Jeff C. Hochstrasser, Caldwell Alternative Center



Universal Service Administrative Company
Schools & Libraries Division

Administrator's Decision on Invoice Deadline Extension Appeal

July 27, 2004

Gary Kissell
Qwest Interprise America
1801 California St., Room 1240
Denver, CO 80202

Re: Your appeal of the denial of your deadline extension request

471 Application Number: 234124
Funding Request Number(s) 547365
Correspondence Dated: November 14, 2003

After thorough review and investigation of all relevant facts, the Schools and Libraries Division (SLD) of the Universal Service Administrative Company has made its decision in regard to your appeal.

Funding Request Number(s): 547365
Decision on Appeal: **Denied in full**
Explanation:

Administrative procedures related to the payment of support for discounted services establish deadlines for service providers to file invoices with the Administrator. The timely receipt and payment of invoices is extremely important to the administration of the program in accordance with the Commission's rules.

The administrator provides an extension of the deadline under certain conditions. Those conditions are documented in the Reference area on the SLD website. (See Invoicing Deadlines and Extension Requests for more information.) Your initial request did not provide information that satisfied those conditions.

Your appeal has not brought forth clear information establishing that those conditions were met but not considered. Therefore, your appeal is denied.

If you believe there is a basis for further examination of your application, you may file an appeal with the FCC. You should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. Your appeal must be received or postmarked within 60 days of the

above date on this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. If you are submitting your appeal via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554. Further information and options for filing an appeal directly with the FCC can be found in the "Appeals Procedure" posted in the Reference Area of the SLD web site or by contacting the Client Service Bureau. We strongly recommend that you use the electronic filing options.

Schools and Libraries Division
Universal Service Administrative Company

cc: Jeff C. Hochstrasser, Van Buren Elementary School

CERTIFICATE OF SERVICE

I, Ross Dino, do hereby certify that I have caused the foregoing REQUEST FOR REVIEW OF QWEST INTERPRISE AMERICA INC. to be filed with the FCC via the Electronic Comment Filing System.

/s/ Ross Dino

Ross Dino

September 24, 2004